

The Kentucky Board of Licensure and Certification for Dietitians and Nutritionists
January 30, 2008
10:00 a.m.

A regular meeting of the Kentucky Board of Licensure and Certification for Dietitians and Nutritionists was conducted, Wednesday, January 30, 2008 at the Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40601.

Members Present

Cheryl Bentley, Board Chair
Jane Faith, Secretary
Karen Gilliam
Cynthia K. Matthews
Leona Gilliam
Rita L. Dillman
Erin Eliassen

Occupations and Professions

Karen Lockett, Board Administrator
Wendy Satterly, Division Supervisor

Office of the Attorney General

Scott Porter, Board Attorney

Members Absent

Others in Attendance

Tony Chang, KDA
William R. Stewart, Certified Fitness Trainer

Call to Order

Ms. Bentley called the meeting to order at 10:15 a.m.

Approval of Minutes

Ms. Faith made a motion to approve the amended minutes from the November 28, 2007 meeting. Ms. K. Gilliam seconded the motion. The motion carried.

Approval of Financial Statement

Susan Ellis gave a report on the Financial report.

Ms. Faith made a motion to approve the financial statement as submitted. Ms. Dillman seconded the motion. The Motion carried.

Director's Report

Ms. Satterly informed the board that Mr. Gerald Hoppmann is the new Director of the Division of Occupations and Professions. Ms. Satterly gave the board a little background experience that Mr. Hoppmann has with the Division of Finance.

Ms. Satterly presented the Executive Order from Governor Steven L. Beshear regarding reduce travel expenses – All out-of-state travel must be approved by the Secretary of the Finance and Administration Cabinet, and all in-state travel must be approved by the Secretaries of the respective Executive Branch agencies. Compliance –Kentucky's constitutional officers and management employees of the Commonwealth's elementary, secondary and post-secondary educational systems, and other agencies governed by boards, commissions, and other statutorily created administrative bodies are strongly encouraged to carefully review the provisions of this order and implement similar cost cutting measures set forth herein as a part of the effort of the government of the Commonwealth of Kentucky to immediately achieve greater efficiencies in the provision of state services and reductions and expenditures in light of the current condition of the budget of the Commonwealth.

Ms. Satterly presented the Code of Ethics to the board explaining the Ethical Principals, Acceptance of Gifts, Disclosure of conflicts of interest and the Contracts/Agreements. Ms. Satterly advised the board to read the Code of Ethics.

New Business

Mr William Stewart, Certified Fitness Trainer from Fit-For-Life Fitness Center, presented his credentials to the board relative to fitness training and nutrition. Mr. Stewart stated that he does not have the formal education that would qualify him for a state approved license or certification as a dietitian or nutritionist. He has been involved in fitness since he was 20 years old and was a competitive bodybuilder and power lifter in the 60's and 70's. Mr. Stewart's goal is to help his clients as much as possible within Kentucky's guidelines and regulations. Mr. Stewart wishes to sell his clients a nutrition software program by Medicorp Corporation. Mr. Stewart stated that the program is highly recommended by other trainers and certification organizations, he will guide his clients as to how to use the program themselves so they may generate their own menus based on the input of their physical condition, daily activities and sports interests with Mr. Stewarts assistance. Mr. Stewart stated that he would like to have conversations with the clients about their nutrition as a part of their fitness program.

The board informed Mr. Stewart that he was not violating Kentucky statues as he explained his practice. Ms. Bentley commended Mr. Stewart for demonstrating conscientiousness in his actions by approaching the board to ensure that he is not violating Kentucky laws dealing with the practice of Licensed Dietitians and Certified Nutritionists.

Ms. Sherri Hoffman, reinstatement was in the approved pending status when she applied for the credential of a Certified Nutritionists. Ms. Hoffman requested to cancel her credential as a Certified Nutritionist when her Licensed Dietitian reinstatement had become approved. The request was granted by the Board. Ms. Faith made a motion to refund Ms. Hoffman the Certified Nutritionists \$50.00 application fee, since Ms. Hoffman's Dietitian License was approved. Ms. Matthews seconded the motion. The motion carried.

Ms. Beverly Lenahan, MS,RD, LD, Internship Director and Clinical Manager at the University of Kentucky Hospital submitted several inquires to the Board. Ms. Lenahan stated that during the internship they routinely have intern activities such as current topic presentations, journal club presentations, poster presentations etc. that according to CDR guidelines qualify for CEUs. Ms. Lenahan questioned how the Kentucky Board requirements apply to those types of CEUs. Ms. Lenahan explained to the board that they do not have 2-3 week lead time to apply for CEUs pre-approval by the Board since the interns do not have their topics and assignments that long in advance. Ms. Lenahan's second concern is similar to the first question except that the internship would not be the provider. Ms. Lenahan stated that since this is a teaching facility, they have weekly medical grand rounds that cover a multitude of medical topics, several of which are under the guidelines for which they can apply for CEUs per CDR guidelines. Ms. Lenahan stated that she had been told that the State Licensure Board allows RDs (after proper training) to place feeding tubes as part of their Scope of Practice. Ms. Lenahan stated that they are beginning to implement that procedure at UK Hospital, but they need documentation that it is not prohibited by any Board Requirements.

The Board concluded that the Continuing Professional Education guidelines from the Commission on Dietetic Registration (CDR) may or may not comply with Kentucky statutes and regulatory requirements for licensure and certification that the Board is required to implement. In some instances, continuing education activities that are acceptable to CDR for Professional Development will not be accepted as continuing education activities for Kentucky licensure. Ms. Bentley discussed that the question about tube feeding placement came before the Board in the past and the Board concluded at that time that there is nothing in the licensure statutes or regulations that prohibit dietitians from this practice; however, the facility should determine the appropriateness and develop policies and procedures to implement the practice. Mr. Porter reiterated that is correct. Ms. Faith stated that she will draft a letter to Ms. Lenahan to answer her inquiries.

Old Business

Ms. Eliassen presented the Knowledge, Skills and Competencies for entry-level programs dietitian education programs. The board reviewed the correspondence provided. Ms. Bentley requested that Ms. Eliassen revise the Entry-Level Education Program requirements and present it to the board at the upcoming board meeting, so the board can use this as a guide for acceptable educational requirements for Certified Nutritionists.

Dr. Geza Bruckner, PhD, Professor Clinical Nutrition, Department of Clinical Sciences sent a proposal to the board for students to be eligible to become a Certified Nutritionist when they have completed the University of Kentucky's Master of Science Degree in Exercise Physiology curriculum with nutrition courses. Ms. Eliassen discussed with the Board the content of the letter that will be drafted in response to Dr. Bruckner. The response to Dr. Bruckner from the Board is that programs such as the Master of Science Degree in Exercise Physiology will not be approved as Dr. Bruckner proposed. Approvals will continue to be based on individual applicant reviews by the Board to ensure specific core requirements have been fulfilled in order to have received the necessary knowledge to practice and for the protection of the public. Ms. Eliassen made a motion to draft a letter to Mr. Bruckner to answer his proposal for students to be eligible to become a Certified Nutritionist when they have completed the University of Kentucky's Master of Science Degree in Exercise Physiology curriculum with nutrition courses. Ms. Dillman seconded the motion. The motion carried.

Mr. Porter prepared a draft bill to amend KRS 310.041 and a copy was provided to each board member for review. In KRS 310.041 Section 1, the amendment would grant retired or inactive licensure status under conditions set forth in administrative regulations promulgated by the board and it would establish procedures, through the promulgation of administrative regulations, under which a licensee may voluntarily relinquish their license and establish conditions for the reinstatement of said license. Mr. Porter will further amend the draft bill by eliminating the cap on fees that is currently specified in KRS 310.050, as specified above. The elimination of the cap on fees is in response to the proposal from Claude Wagner, former Executive Director in the Division of Occupations and Professions. Mr. Wagner presented this proposal to the Board for consideration since this Board is one of the few that has a cap on the fees and if cost for the Board to operated should increase in the future then this cap on fees could pose a problem for the Board to continue to do business if funds should become insufficient. Removal of the cap would allow the Board more flexibility. Ms. Tonya Chang, KDA informed the board that a sponsor has been obtained for the bill to be introduced during the 2008 General Session.

The board reviewed the amendments drafted by Scott Porter in 201 KAR 33:020 Renewals. Ms. Bentley explained the amended language. The amendment clarifies that a licensee or certificate holder may continue to practice during the sixty (60) day grace period however, upon request of employer said individual must present evidence of a valid pre-existing license or certificate. Ms. Faith made a motion to approve to file 201 KAR 33:020. The motion seconded by Ms. K. Gilliam and approved by the board. The amended regulation will be filed with LRC by February 15, 2008.

On November 28, 2007, the board reviewed an e-mail from Ms. Monica Owens on behalf of Pikeville Medical Center. Ms. Owens inquired as to whether or not the Board considers it acceptable practice for a Licensed Dietitian to have privileges in writing verbal orders. Ms. Owens stated that the medical staff and legal department would like a written statement that RD's may write verbal orders. The Board provided a written response explaining there are no laws to prohibit this practice, accordingly, it is up to the individual facility to develop policies and procedures to implement the practice.

Continuing Education Requests

Ms. Faith made a motion that the following continuing education program(s) and hours be **approved**.

- Gail Yip-Chuck – Can your kitchen pass the food safety – Approved for 16.0 hours
- Margaret Curtis – Weighing the evidence: Balancing efficiency against the risks of weight gain – Approved for 1.0 hour
- Margaret Curtis – Weighing the evidence: Weight gain with atypical antipsychotics: Evidence and Insights – Approved for 1.0 hour
- Anna Jones – Meeting the challenges to improve cardiovascular outcomes – Approved for 9.0 hours
- Tara Shelton – Diabetes Medications – Approved for 1.0 hour
- Cynthia Stephens – How to delegate and Coach for High Performance, 2nd edition – Approved for 4.0 hours
- Cynthia Stephens – How Nutrition Support – Approved for 8.0 hours

Ms. K. Gilliam seconded the motion. The motion carried.

Ms. Faith made a motion that the following continuing education program(s) and hours be **denied**.

- Vivian Cooper – Institute for Natural Resources – Denied for 6.0 hours
- Amy Parrish – Journal Club – Denied for 1.0 hour
- Amy Parrish – Patient Presentation –HUS – Denied for 0.5
- Amy Parrish – Patient Presentation –DKA – Denied for 0.5
- Amy Parrish – Journal Club-Role of Exercise in Reducing the Risk of Diabetes and Obesity – Denied for 1.0 hours
- Amy Parrish – Patient Presentation-ACS- Denied for 0.5
- Amy Parrish – Patient Presentation-Liver Disease- Denied for 0.5
- Amy Parrish – Patient Presentation-Pancreatitis – Denied for 0.5

Ms. K. Gilliam seconded the motion. The motion carried.

2007 Audit Renewals

Ms. Faith made a motion to **deny** the following Audit Renewals: Anne Hagman . Ms. Dillman seconded the motion. The motion carried.

Applications for Licensure

Ms. Faith made a motion to **approve** the following applications for licensure: Ashley Daub, Megan Davis, Kimberly Freeland, Abigail L. Grant, Genelle W. Hix, Laura S. Johnson, Lisa Kaylor, Helen Moseley, Casey Potts, Christie Radcliff, Lezli Stormes and Kelly Webber. Ms. Matthews seconded the motion. The motion carried.

Applications for Reinstatement

Ms. Faith made a motion to **approve** the following applications for reinstatement: Carolyn L. Dennis Lindsay D. Gabbard, Candice Y. Gray, Bonnie Holt, Corrine Moore, Amanda Nighbert, Karen Omietanski, Martha Parker, Nicki Patarick, Jennifer Probus, Barbara Snider, Lisa Strogner, Aric Trent, Kathryn Tucker, Elizabeth Walker, Angie Weilage, Susan Rogers, and Mary Rachel Harrington. Ms. Dillman seconded the motion. The motion carried.

Ms. Faith made a motion to defer the following applications for reinstatement: Robert Ginn, Jennifer Sams, Carol Stapleton and Patricia Wiser. Ms. L. Gilliam seconded the motion. The motion carried.

Scheduled Meetings

The next meeting will be on Wednesday March 26, 2008 beginning at 10:00 a.m. at the Division of Occupations and Professions located at 911 Leawood Drive, Frankfort, Kentucky. The dates of the board meetings during 2008 are as follows:

- January 30, 2008 @ 10:00 a.m.
- March 26, 2008 @ 10:00 a.m.
- May 28, 2008 @ 10:00 a.m.
- July 30, 2008 @ 10:00 a.m.
- September 24, 2008 @ 10:00 a.m.
- November 12, 2008 @ 10:00 a.m.

Approval for Travel and Per Diem

Ms. Matthews made a motion to approve travel and per diem for today's meeting. Ms. L. Gilliam seconded motion. The motion carried.

Adjournment

Ms. Faith made a motion that the meeting be adjourned. Ms. Matthews seconded the motion. Ms. Bentley adjourned the meeting at 1:40 p.m.

Approved:

A handwritten signature in cursive script that reads "Cheryl Bentley".

Cheryl Bentley, Chairperson
Minutes Prepared by
Karen Lockett, Board Administrator
November 28, 2007